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Attorneys for Individual Defendants FRED D. ANDERSON,
 WILLIAM V. CAMPBELL, MILLARD S. DREXLER, STEVEN
 JOBS, ARTHUR D. LEVINSON, JEROME B. YORK, TIMOTHY
 COOK, AVADIS TEVANIAN, JR., JONATHAN RUBINSTEIN,
 RONALD B. JOHNSON, PETER OPPENHEIMER, MITCHELL
 MANDICH, ROBERT M. CALDERONI, JAMES J. BUCKLEY,
 DANIEL L. EILERS, G. FREDERICK FORSYTH and Nominal
 Defendant APPLE COMPUTER, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

PIRELLI ARMSTRONG TIRE CORPORATION
 RETIREE MEDICAL BENEFITS TRUST,
 Derivatively on Behalf
 of APPLE COMPUTER, INC.,
 Plaintiff,

v.

FRED D. ANDERSON, WILLIAM V.
 CAMPBELL, MILLARD S. DREXLER, STEVEN
 P. JOBS, ARTHUR D. LEVINSON, JEROME B.
 YORK, TIMOTHY D. COOK, AVADIS
 TEVANIAN, JR., JONATHAN RUBINSTEIN,
 RONALD B. JOHNSON, PETER OPPENHEIMER,
 MITCHELL MANDICH, ROBERT M.
 CALDERONI, JAMES J. BUCKLEY, DANIEL L.
 EILERS and G. FREDERICK FORSYTH,

Defendants,

- and -

APPLE COMPUTER, INC.,

Nominal Defendant.

Case No. 5:06-cv-04493-JF

**STIPULATION AND
~~PROPOSED~~ ORDER
 CONTINUING CASE
 MANAGEMENT CONFERENCE
 AND RELATED DATES**

1 IT IS HEREBY STIPULATED by and between Plaintiff Pirelli Armstrong Tire
2 Corporation Retiree Medical Benefits Trust ("Pirelli Armstrong") and Individual Defendants Fred
3 D. Anderson, William V. Campbell, Millard S. Drexler, Steven P. Jobs, Arthur D. Levinson,
4 Jerome B. York, Timothy D. Cook, Avadis Tevanian, Jr., Jonathan Rubinstein, Ronald B.
5 Johnson, Peter Oppenheimer, Mitchell Mandich, Robert M. Calderoni, James J. Buckley, Daniel
6 L. Eilers and G. Frederick Forsyth and Nominal Defendant Apple Computer, Inc. ("Defendants")
7 as follows:

8 WHEREAS, the undersigned parties are currently discussing consolidation of this case
9 with other similar cases pending in this Court and/or the filing of a consolidated complaint. The
10 undersigned parties are diligently working on finalizing a stipulation to consolidate the cases.
11 The undersigned parties believe that it serves the interests of judicial economy and efficiency to
12 defer the pending Case Management Conference and associated dates to a time when
13 consolidation issues have been addressed and the Case Management Conference can encompass
14 all similar actions in one proceeding.

15 NOW, THEREFORE, pursuant to Local Rule 6-1, the undersigned parties stipulate and
16 respectfully request that the Court enter an order continuing the Case Management Conference to
17 the Court's first available date that falls at least 30 days after entry of the Court's Order
18 appointing lead plaintiffs' counsel, with all associated dates continued to equivalent periods prior
19 to the rescheduled Case Management Conference as per applicable local rules.

20 IT IS SO STIPULATED.
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1 Dated: October 10, 2006

GEORGE A. RILEY
DAVID M. FURBUSH
LUANN L. SIMMONS
O'MELVENY & MYERS LLP

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5 By: /s/ Luann L. Simmons
Luann L. Simmons

6 Attorneys for Individual Defendants
7 FRED D. ANDERSON, WILLIAM V.
8 CAMPBELL, MILLARD S. DREXLER,
9 STEVEN P. JOBS, ARTHUR D. LEVINSON,
10 JEROME B. YORK, TIMOTHY D. COOK,
11 AVADIS TEVANIAN, JR., JONATHAN
12 RUBINSTEIN, RONALD B. JOHNSON,
13 PETER OPPENHEIMER, MITCHELL
14 MANDICH, ROBERT M. CALDERONI,
15 JAMES J. BUCKLEY, DANIEL L. EILERS,
16 G. FREDERICK FORSYTH, and Nominal
17 Defendant APPLE COMPUTER, INC.

13 Dated: October 10, 2006

14 TRAVIS E. DOWNS III
15 BENNY C. GOODMAN III
16 SHAWN A. WILLIAMS
17 MONIQUE C. WINKLER
18 MARIA V. MORRIS
19 THOMAS G. WILHELM
20 LERACH COUGLIN STOIA GELLER
21 RUDMAN & ROBBINS LLP

22 By: /s/ Monique C. Winkler
23 Monique C. Winkler

24 Attorneys for Plaintiff
25 PIRELLI ARMSTRONG TIRE
26 CORPORATION RETIREE MEDICAL
27 BENEFITS TRUST

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CERTIFICATION OF CONCURRENCE

I attest under penalty of perjury that concurrence in the filing of this document has been
obtained from Monique C. Winkler.

1 Dated: October 10, 2006

GEORGE A. RILEY
DAVID M. FURBUSH
LUANN L. SIMMONS
O'MELVENY & MYERS LLP


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5 By: /s/ Luann L. Simmons
Luann L. Simmons

6 Attorneys for Individual Defendants STEVEN
7 P. JOBS, FRED D. ANDERSON, WILLIAM
V. CAMPBELL, MILLARD S. DREXLER,
8 ARTHUR D. LEVINSON, JEROME B.
YORK, RONALD B. JOHNSON, PETER
9 OPPENHEIMER, JONATHAN
RUBINSTEIN, TIMOTHY D. COOK, JAMES
10 J. BUCKLEY, DANIEL L. EILERS, AVADIS
TEVANIAN, JR., G. FREDERICK
11 FORSYTH, ROBERT M. CALDERONI, and
MITCHELL MANDICH and Nominal
12 Defendant APPLE COMPUTER, INC.

13 **ORDER**

14 Pursuant to stipulation, IT IS SO ORDERED.

15 Dated: 10/13/06

16
17 
18 The Honorable Jeremy Fogel
19 United States District Judge

20 MP1:989024.1